IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

LEE MAYHEW,)	
Plaintiff,)	
)	
v.) Civil No. 3:07-0)129
) Judge Trauger	
BRIAN GARDNER,) Magistrate Judg	e Griffin
)	
Defendant.)	
	,	

ORDER

On January 11, 2008, the Magistrate Judge issued a Report and Recommendation.

(Docket No. 22) No timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendant's Motion to Dismiss and For Summary Judgment (Docket No. 15) is **GRANTED**, and this case is **DISMISSED**WITHOUT **PREJUDICE** for failure to exhaust administrative remedies.

It is so **ORDERED**.

Enter this 11th day of February 2008.

ALETA A. TRAVÉER U.S. District Judge